

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

v.

BRENT ALLEN HAINES,

Defendant.

Case No. 3:20-cr-148-SI-10

ORDER

Michael H. Simon, District Judge.

On March 17, 2022, Defendant Brent Allen Haines pleaded guilty to one count of distribution of heroin. On June 6, 2022, the Court sentenced Mr. Haines to a term of imprisonment of 18 months, followed by four years of supervised release. Mr. Haines currently is serving his sentence at the Federal Correctional Institution in Sheridan, Oregon (FCI Sheridan). The Bureau of Prisons (BOP) has scheduled Mr. Haines for release on January 8, 2023.

Mr. Haines has three motions pending before the Court. First, Mr. Haines moves for modification of the terms of his sentence and for an emergency order for medical treatment (ECF 657), which the Court construes to be a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i). The Government opposes Mr. Haines' motion for compassionate release and

adds that Mr. Haines has not been denied any medical services by the BOP. Among other things, the Government argues that Mr. Haines has not exhausted his administrative remedies. The Court need not resolve that procedural issue, however, because even if Mr. Haines has exhausted his administrative remedies, which the Court will assume he has done, a reduction in Mr. Haines's sentence of imprisonment would undermine the sentencing factors identified by Congress in 28 U.S.C. § 3553(a). The Court, therefore, denies Mr. Haines's motion for compassionate release (ECF 657).

Second, Mr. Haines seeks appointment of counsel to represent him in his motion for compassionate release. ECF 670. The Court denies that motion.

Third, Mr. Haines moves for reconsideration of the Court's Order on October 19, 2022, modifying the terms of Mr. Haines's supervised release. ECF 685. On October 19, 2022, the Court modified the conditions of Mr. Haines's supervised release (ECF 680) after Mr. Haines signed a waiver of hearing to modify conditions of supervised release on September 29, 2022. ECF 679-1. Accordingly, the Court denies Mr. Haines's motion for reconsideration. ECF 685.

Because compassionate release is not warranted in this case, the Court DENIES Mr. Haines's motion for early release (ECF 657). The Court also DENIES Mr. Haines's motion for appointment of counsel to represent him in his motion for compassionate release (ECF 670). Finally, the Court DENIES Mr. Haines's motion for reconsideration (ECF 685).

IT IS SO ORDERED.

DATED this 3rd day of January, 2023.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge